IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 830 of 2002

IN

Second Appeal MNo.591 of 2002

1. Gopal Sadashiv Gokahle
and Ors.. .... Applicants

V/s

1. Rohini Chandrashekhar Datar
and Anr. ... Respondents

Mrs Geeta P. Mulekar for Applicants
Shri V.S.Gokhale for Rspondent nos.1 and 2

CORAM:S.R.SATHE,J.

DATED:31st August 2006

P.C.:-

1. Heard both the learned Advocates.

2. It is an admitted fact that right now the Appellant is not in possession of the suit property. It is contended that Respondent Krishna Shankar Tonpe has purchased the property and even at that time one Mr.Bhide was a tenant and in occupation of the suit property against whom now decree for possession is

obtained. In these circumstances, interim relief granted on 19-8-2002 is vacated on following conditions.

i) If decree for possession passed against Bhide is executed and possession of the suit property is received by Tonpe then Tonpe shall not part with said possession and shall not create any third party rights in respect of the suit property and shall not cause any damage to the suit property. Mr. Tonpe to give undertaking in the form of affidavit within two weeks. The order passed on 19-8-2002 is modified in the above terms.

3. Appeal be fixed for hearing in the first week of October 2006.

(S.R.SATHE,J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.678 of 2006

In

S.A.No.591 of 2002

Gopal Sadashiv Gokhale and Ors... Applicants

V/s

1. Smt.Rohini Chandrashekhar Datar

and Anr. .. Respondents

Mrs Geeta Mulekar for Applicants

V.S.Gokhae for Respondent nos.1 and 2

CORAM:S.R.SATHE,J.

DATED:31st Aug. 2006

P.C.:-

1. Heard the learned Advocate for the Appellant. She submits that she be allowed to add additional grounds in the appeal memo.

2. The learned Advocate for the Respondents strongly objects for the same and submits that this application can be heard at the time of hearing of the appeal.

3. From the perusal of the record it is clear that

this appeal is admitted on 19-8-2002. However, unfortunately it seems that no substantial question of law has been formulated at that time. Considering these peculiar facts even if the Appellant is allowed to add additional grounds in the present appeal memo no prejudice is likely to be caused to the Respondents. Hence the proposed amendment is allowed.

3. Amendment to be carried out within 3 weeks.

(S.R.SATHE,J.)